

Attorney Docket No. 112.P77292

Patent Application No. 10/710,762

**REMARKS**

The present patent application has been reviewed in light of the Office action, dated July 19, 2007, in which, claim 3 has been objected to; claims 1-4 and 7-9 are rejected under 35 U.S.C. § 102 as being anticipated by Keiichiro, Japanese Patent Application Publication 2003-189164 (hereinafter “Keiichiro”); claims 5-6 and 10-11 are rejected under 35 U.S.C. § 103 in various combinations of Keiichiro and Kubo et al., U.S. Patent No. 7,030,911 (hereinafter “Kubo”). Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

Claims 1-23 are pending. Claims 1-7 and 10 have been amended. New claims 12-23 have been added. Support for amendments to claims 1-7 and 10 and new claims 12-23 may be found at least in paragraphs [0006-0008, 0014-0019] of the specification. No new matter has been added.

**Status of Claims**

Claims 1-23 are pending.

Claims 1-7 and 10 have been amended.

New claims 12-23 have been added.

**Claim 3 Objection**

The Examiner objected to claim 3 due to formalities. Assignee believes that claim 3 as currently amended overcomes the Examiner’s objection and Assignee respectfully requests that the Examiner withdraw this objection.

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Claim Rejections under 35 U.S.C. § 102(b)

Claims 1-4 and 7-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Keiichiro. Assignee respectfully traverses these rejections.

To anticipate a claim under §102, the reference must teach each and every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” [MPEP §2131.01]

Keiichiro teaches a means to correct angular-velocity deflection due to swaying. Keiichiro teaches correcting this deflection by actuating a deflection amendment. However, Keiichiro does not teach an image generator that adjusts an image exposure period in response to a trigger signal, as presently claimed in independent claims 1 and 7.

Specifically, Keiichiro teaches that an angular-velocity detection means (such as angular-velocity sensors 4 and 5) detects the surrounding angular velocity of two shafts 2 and 3, to detect whether the camera is swaying. [See Keiichiro; pp. [0004-0005 and 0008]] Keiichiro teaches that a deflection amendment is actuated to correct image distortion caused by swaying. [See Keiichiro, p. [0005]] Keiichiro teaches that there is a tripod anchoring pilot switch, which may terminate a deflection amendment actuation. [Keiichiro, p. [0005]] Thus, in response to detection of connection to a tripod, the camera does not employ the deflection amendment means to correct deflection. Keiichiro teaches that the deflection amendment actuation may also be cancelled by a user. [Keiichiro, p. [0007]] However, Keiichiro does not teach an image generator that adjusts an image exposure period in response to the trigger signal, as presently claimed in independent claims 1 and 7. The Examiner admits that Keiichiro does not teach an exposure period being prolonged while the trigger signal from a trigger is being received. [Office Action at 8] Accordingly, for at least this reason, Assignee respectfully requests the withdrawal of the rejections of these claims and the claims which depend therefrom.

Assignee believes that independent claims 1 and 7 and the claims which depend therefrom are in condition for allowance. Independent claims 12, 20 and 21 contain features

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similar to those discussed above with regard to claims 1 and 7. For at least this reason, Assignee believes that these claims and the claims which depend therefrom are also in condition for allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 5, 6, 10, and 11 are rejected under 35 U.S.C. § 103(a) in view of Keiichiro or Keiichiro and Kubo.

The Examiner is reminded that to successfully make a prima facie rejection under 35 USC § 103, the Examiner must show that Assignee's claimed subject matter would have been obvious to one of ordinary skill in the art pertinent to Assignee's claimed subject matter at the time it was made. See *KSR International, Co. v. Teleflex, Inc.*, 550 U.S. \_\_\_\_ (decided April 30, 2007). Some of the factors to consider in this analysis include the differences between the applied documents and Assignee's claimed subject matter, along with the level of skill associated with one of ordinary skill in the art pertinent to Assignee's claimed subject matter at the time it was made. See USPTO Memo entitled "Supreme Court decision on KSR Int'l. Co., v. Teleflex, Inc.," (May 3, 2007). One way in which an Examiner may establish a prima facie case of unpatentability under 35 USC § 103 would be to show that three basic criteria have been met. First, the Examiner should show that the applied documents, alone or in combination, disclose or suggest every element of Assignee's claimed subject matter. Second, the Examiner should show that there is a reasonable expectation of success from the proposed combination. Finally, the Examiner should show that there was some suggestion or motivation, either in the applied documents themselves or in the knowledge generally available to one of ordinary skill in the art pertinent to the claimed subject matter at the relevant time, to modify the document(s) or to combine document teachings. The motivation or suggestion to make the proposed combination and the reasonable expectation of success should be found in the prior art, and should not be based on Assignee's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir.

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1991); *See MPEP § 2142; 2143 - § 2143.03* (regarding decisions pertinent to each of these criteria). It is respectfully asserted that the Examiner has not met these standards.

First, the Examiner rejects claims 6 and 11 under §103(a) in view of Keiichiro. Because, as discussed above, Keiichiro does not teach an image generator that adjusts an image exposure period in response to the trigger signal, as presently claimed in independent claims 1 and 7, Keiichiro does not render obvious claims 6 and 11 and Assignee respectfully requests that the Examiner remove these rejections.

Second, the Examiner rejects claims 5 and 10 in view of Keiichiro in view of Kubo. As discussed above, Keiichiro does not teach an image generator that adjusts an image exposure period in response to the trigger signal, as presently claimed in independent claims 1 and 7, from which claims 5 and 10 depend. The Examiner admits that Keiichiro does not teach an exposure period being prolonged while the trigger signal from a trigger is being received. [Office Action at 8]

As discussed above, Keiichiro teaches that it is attempting to correct image blur due to swaying by employing deflection amendments – not by altering an exposure period. Kubo, on the other hand, is attempting to solve image blur by automatically setting exposure conditions according to movement of the subject – not the camera. [Kubo at col. 1, lns. 40-45] While Kubo mentions camera shake can be an undesirable consequence of selecting exposure settings other than P1 [Kubo, col. 5, lns. 13-20], Kubo does not attempt to provide a solution to blur caused by camera shake – it is concerned with subject movement. Thus, there is no motivation to combine Keiichiro with Kubo.

Further, Assignee respectfully contends that Kubo does not make up for the deficiencies in Keiichiro. The combination of Kubo and Keiichiro fails to teach at least an image generator that adjusts an image exposure period in response to the trigger signal, as presently claimed in independent claims 1 and 7, from which claims 5 and 10 depend. As discussed above, Keiichiro teaches that there is a tripod anchoring pilot switch, which may terminate a deflection

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amendment actuation. [Keiichiro, p. [0005]] Thus, in response to detection of connection to a tripod, the camera does not employ the deflection amendment means to correct deflection. But this does not teach adjusting an image exposure period in response to a trigger signal. On the other hand, Kubo teaches blur correction by comparing pixels from stored standby frames to current frames, calculating interframe correlation and threshold values, and determining correlation areas and non-correlation areas and ratios of non-correlation areas from previous standby frames to current frames. [Kubo, col.4, ln. 48 – col. 5, ln 30] Kubo teaches that exposure settings are determined by the calculated non-correlation area and a threshold value. [Kubo, col. 5, lns. 36-40] While Kubo teaches prolonging exposure period based upon a non-correlation ratio value comparing current and previous frames being below a certain level [Kubo, col. 5, ln 54 – col. 6, ln. 6] and trying to prevent undesired camera shake by electing an exposure setting having a lower exposure duration [Kubo, col. 6, lns. 10-13], Kubo does not teach adjusting an exposure period in response to a trigger signal generated while the housing is substantially stationary, as recited in claim 1. Kubo merely adjusts exposure settings based upon calculated non-correlation areas and threshold values.

Thus, the combination of Keiichiro and Kubo fails to teach or suggest at least an image generator that adjusts an image exposure period in response to the trigger signal, as presently claimed in independent claims 1 and 7, from which claims 5 and 10 depend. For at least this reason, Assignee respectfully requests that the Examiner withdraw this rejection.

Assignee believes the claims 1-11 as presently amended are in condition for allowance. New claims 12-23 contain features similar to those discussed above with reference to claims 1 and 7. For at least this reason, Assignee believes that these are in condition for allowance as well.

With regard to claims 6 and 11, Assignee respectfully traverses the Examiner's taking of Official Notice and respectfully requests that the Examiner produce documentation supporting

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the assertion that both the concepts and advantages of using a CCD photosensor in a digital imaging device are well known and expected in the art.

It is noted that claimed subject matter may be patentably distinguished from the applied documents for additional reasons; however, the foregoing is believed to be sufficient to overcome the Examiner's rejections discussed above.

Further, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions since the Examiner's other positions are believed to be moot in light of the foregoing.

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**CONCLUSION**

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone the undersigned at (503) 439-6500 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 50-3703.

Respectfully submitted,

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cc: Docketing